

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JAN 11 2006

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

MYRNA CRUZ,

Plaintiff - Appellant,

v.

UNIFIED WESTERN GROCERS, INC.,

Defendant - Appellee.

No. 04-57101

D.C. No. CV-04-00116-R

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Manuel L. Real, District Judge, Presiding

Submitted December 5, 2005**

Before: SCHROEDER, Chief Judge, GOODWIN, and W. FLETCHER,
Circuit Judges.

Myrna Cruz appeals from the district court's order denying her Fed. R. App.

P. 4(a)(6) motion to reopen the time period to appeal the summary judgment
entered in favor of defendants. We review for abuse of discretion, *Nguyen v.*

* This disposition is not appropriate for publication and may not be
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

Southwest Leasing and Rental, Inc., 282 F.3d 1061, 1064 (9th Cir. 2002), and we affirm.

The district court properly denied Cruz's motion to reopen the time period to appeal, because Cruz failed to file her notice of appeal within 30 days of the district court's entry of judgment under Rule 4(a)(1), and failed to file her motion to reopen under Rule 4(a)(6) within 7 days of actual notice of the date of entry of judgment, as provided to her in defendant's bill of costs. *See Vahan v. Shalala*, 30 F.3d 102, 103 (9th Cir. 1994) (per curiam).

AFFIRMED.